

FIRST REGULAR SESSION

SENATE BILL NO. 332

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

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TERRY L. SPIELER, Secretary.

1260S.05I

AN ACT

To repeal sections 160.045, 168.104, 168.114, 168.124, 168.126, 168.128, 168.221, and 168.410, RSMo, and to enact in lieu thereof six new sections relating to educator quality.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.045, 168.104, 168.114, 168.124, 168.126, 168.128, 2 168.221, and 168.410, RSMo, are repealed and six new sections enacted in lieu 3 thereof, to be known as sections 168.104, 168.114, 168.124, 168.128, 168.221, and 4 168.310, to read as follows:

168.104. The following words and phrases when used in sections 168.102 2 to 168.130, except in those instances where the context indicates otherwise, mean:

3 (1) "Board of education", the school board or board of directors of a school 4 district, except a metropolitan school district, having general control of the affairs 5 of the district;

6 (2) "Demotion", any reduction in salary or transfer to a position carrying 7 a lower salary, except on request of a teacher, other than any change in salary 8 applicable to all teachers or all teachers in a classification;

9 (3) "Indefinite contract", every contract heretofore or hereafter entered 10 into between a school district and a permanent teacher;

11 (4) "Permanent teacher", any teacher who has been employed or who is 12 hereafter employed as a teacher in the same school district for five successive 13 years and who has continued or who thereafter continues to be employed as a 14 teacher by the school district or any supervisor of teachers who was employed as 15 a teacher in the same school district for at least five successive years prior to 16 becoming a supervisor of teachers and who continues thereafter to be employed

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 as a certificated employee by the school district; except that, when a permanent
18 teacher resigns or is permanently separated from employment by a school district,
19 and is afterwards reemployed by the same school district, reemployment for the
20 first school year does not constitute an indefinite contract but if he **or she** is
21 employed for the succeeding year, the employment constitutes an indefinite
22 contract; and except that any teacher employed under a part-time contract by a
23 school district shall accrue credit toward permanent status on a prorated
24 basis. Any permanent teacher who is promoted with his **or her** consent to a
25 supervisory position including principal or assistant principal, or is first
26 employed by a district in a supervisory position including principal or assistant
27 principal, shall not have permanent status in such position but shall retain
28 tenure in the position previously held within the district, or, after serving two
29 years as principal or assistant principal, shall have tenure as a permanent
30 teacher of that system;

31 (5) "Probationary teacher", any teacher as herein defined who has been
32 employed in the same school district for five successive years or less. In the case
33 of any probationary teacher who has been employed in any other school system
34 as a teacher for two or more years, the board of education shall waive one year
35 of his **or her** probationary period;

36 (6) "School district", every school district in this state, except metropolitan
37 school district as defined in section 162.571;

38 (7) "**Student growth**", **the change in achievement for an individual**
39 **student between two or more points in time based on standards-based**
40 **measures that are rigorous, valid, and comparable across classrooms of**
41 **similar content and levels;**

42 (8) "Teacher", any employee of a school district, except a metropolitan
43 school district, regularly required to be certified under laws relating to the
44 certification of teachers, except superintendents and assistant superintendents
45 but including certified teachers who teach at the prekindergarten level in a
46 nonmetropolitan public school within a prekindergarten program in which no fees
47 are charged to parents or guardians;

48 (9) "**Value-added model**", **a growth model used to isolate the effect**
49 **of a teacher's impact on student learning, controlling for pre-existing**
50 **characteristics of a student, including prior achievement.**

168.114. 1. An indefinite contract with a permanent teacher shall not be
2 terminated by the board of education of a school district except for one or more

3 of the following causes:

4 (1) Physical or mental condition unfitting him **or her** to instruct or
5 associate with children;

6 (2) Immoral conduct;

7 (3) Incompetency, **which shall be defined to include two**
8 **consecutive ratings of "ineffective" pursuant to section 168.128,**
9 inefficiency or insubordination in line of duty;

10 (4) Willful or persistent violation of, or failure to obey, the school laws of
11 the state or the published regulations of the board of education of the school
12 district employing him **or her**;

13 (5) Excessive or unreasonable absence from performance of duties; or

14 (6) Conviction of a felony or a crime involving moral turpitude.

15 **2. (1) The criteria for a school district to grant permanent**
16 **teacher status to a teacher shall include multiple measures for**
17 **assessing a teacher's effectiveness, which include but are not limited**
18 **to the following:**

19 **(a) Evidence of demonstrated effectiveness, as shown through**
20 **objective measures of student academic growth, which shall be the**
21 **predominant criterion for gaining permanent teacher status;**

22 **(b) Other multiple measures of teacher performance, including**
23 **multiple classroom observations and classroom and district measures**
24 **of student learning; and**

25 **(c) Four consecutive ratings of "effective" or "highly effective".**

26 **(2) Upon meeting the requirements provided in subdivision (1)**
27 **of this subsection, a teacher shall undergo a formal review and**
28 **conferral process before gaining permanent teacher status. The formal**
29 **review shall be conducted by the teacher's principal and the**
30 **superintendent's designee and shall include a review of the teacher's**
31 **performance evaluations and progress as an instructor, as**
32 **demonstrated by the criteria outlined in this subsection.**

33 **3.** In determining the professional competency of or efficiency of a
34 permanent teacher, consideration should be given to regular and special
35 evaluation reports prepared in accordance with the policy of the employing school
36 district and to any written standards of performance which may have been
37 adopted by the school board.

168.124. 1. The board of education of a school district may place on leave

2 of absence as many teachers as may be necessary because of a decrease in pupil
3 enrollment, school district reorganization or the financial condition of the school
4 district. [In placing teachers on leave,] The board of education shall be governed
5 by the following provisions **when placing teachers on leave and when using**
6 **the educator evaluations of section 168.128 to inform all staffing**
7 **decisions:**

8 (1) [No permanent teacher shall be placed on leave of absence while
9 probationary teachers are retained in positions for which a permanent teacher is
10 qualified;

11 (2) Permanent teachers shall be retained on the basis of
12 performance-based evaluations and seniority (however, seniority shall not be
13 controlling) within the field of specialization;

14 (3) Permanent teachers shall be reinstated to the positions from which
15 they have been given leaves of absence, or if not available, to positions requiring
16 like training and experience, or to other positions in the school system for which
17 they are qualified by training and experience;

18 (4) No appointment of new teachers shall be made while there are
19 available teachers on unrequested leave of absence who are properly qualified to
20 fill such vacancies;

21 (5) **It shall base decisions regarding significant differentiation**
22 **in retention, promotion, dismissals, and other staffing decisions,**
23 **including transfers, placements, and preferences in the event of**
24 **reductions in force, primarily on the results of annual performance**
25 **evaluations for teachers and principals;**

26 (2) **The board's reduction in force policy shall not**
27 **use differentiation in compensation levels, seniority, degrees, or**
28 **credentials as a basis for determining pay or pay increases, or making**
29 **the retention, promotion, dismissal, and staffing decisions described in**
30 **this section; provided, that nothing in this subsection shall prohibit a**
31 **cost of living adjustment tied in whole or in part to prior compensation**
32 **levels;**

33 (3) **Notwithstanding any provision of law to the contrary, a**
34 **district shall not adopt or implement policies that permit length of**
35 **service to serve as the primary factor when conducting layoffs or a**
36 **reduction in force. A district instead shall utilize the results of annual**
37 **evaluations, as prescribed in section 168.128, as the primary factor**

38 **when conducting a reduction in force;**

39 **(4) Unless otherwise prohibited by law, these provisions are**
40 **effective immediately and any contrary provisions of collective**
41 **bargaining agreements, regulations, or policies are voided;**

42 **(5) In the case where teachers have equal performance scores as**
43 **determined by the required evaluations in section 168.128, the board**
44 **shall consider the following factors when determining which teachers**
45 **to place on leave or when making staffing decisions:**

46 **(a) Significant relevant contributions, accomplishments, or**
47 **performance;**

48 **(b) Relevant supplemental professional experiences as**
49 **demonstrated on the job;**

50 **(c) Length of service;**

51 **(6) A teacher placed on leave of absence may engage in teaching or**
52 **another occupation during the period of such leave;**

53 **[(6)] (7) The leave of absence shall not impair the tenure of a teacher;**

54 **[(7)] (8) The leave of absence shall continue for a period of not more than**
55 **three years unless extended by the board.**

56 2. Should a board of education choose to utilize the mechanism for
57 reducing teacher forces as provided in subsection 1 of this section in an attempt
58 to manage adverse financial conditions caused at least partially by a withholding
59 of, or a decrease or less than expected increase in, education appropriations, then
60 the district additionally shall follow the provisions of subsection 3 of this section.

61 3. If a school district has an unrestricted combined ending fund balance
62 of more than ten percent of current expenditures in its teachers' and incidental
63 funds, and in the subsequent fiscal year such district, because of state
64 appropriations, places a contracted teacher on leave of absence after forty days
65 subsequent to the governor signing the elementary and secondary education
66 appropriation bill, the district shall pay the affected teacher the greater of his or
67 her salary for any days worked under the contract, or a sum equal to three
68 thousand dollars.

168.128. 1. The board of education of each school district shall maintain
2 records showing periods of service, dates of appointment, and other necessary
3 information for the enforcement of sections 168.102 to 168.130. In addition, the
4 board of education of each school district shall cause a comprehensive,
5 performance-based evaluation for each teacher employed by the district. Such

6 evaluations shall be ongoing and [of sufficient specificity and frequency]
7 **performed annually** to provide for demonstrated standards of competency and
8 academic ability.

9 **2. The evaluation system shall include formative performance**
10 **reviews to provide feedback to teachers and shall include summative**
11 **evaluations. Each teacher and principal contract and collective**
12 **bargaining agreement shall authorize the use of evaluation results as**
13 **the basis for the decisions described in this subsection. Evaluation**
14 **results shall also be used to provide high-quality, individualized**
15 **supports, and professional development for teachers and principals.**

16 **3. Each local school district shall establish and implement a local**
17 **evaluation system for teachers and principals centered on student**
18 **achievement. Evaluations of all personnel shall be conducted annually**
19 **based on the following parameters:**

20 **(1) Each local district shall develop and implement an evaluation**
21 **system for elementary and secondary school teachers and principals**
22 **that uses multiple measures, all aligned with growth in student**
23 **achievement, and shall use the evaluation system as the basis for**
24 **personnel decisions about teachers and principals, consistent with this**
25 **section and with implementing regulations issued by the department**
26 **of elementary and secondary education with input from the local**
27 **districts;**

28 **(2) If a district fails to adopt an evaluation system consistent**
29 **with the requirements and timelines of this section, or at the election**
30 **of the district, the district shall use the model evaluation system**
31 **developed by the department of elementary and secondary education**
32 **under subsection 5 of this section;**

33 **(3) The evaluation system shall be developed and implemented**
34 **in consultation with teachers and principals and with parents of**
35 **students;**

36 **(4) Teachers and principals shall be evaluated using multiple,**
37 **fair, rigorous, transparent, and valid measures. Evaluation measures**
38 **shall include the following elements:**

39 **(a) For those teachers who teach courses that are subject to**
40 **annual assessments aligned with state standards, student achievement,**
41 **and student growth on such assessments shall count for at least fifty**
42 **percent of the evaluation, using value-added measures developed by the**

43 department of elementary and secondary education;

44 (b) For teachers who do not directly instruct students in subjects
45 and grades subject to assessments aligned with state standards, but
46 who are expected through team teaching to contribute to student
47 performance on such assessments, growth in student achievement on
48 such assessments shall be used as an evaluation measure and shall
49 count for a percentage of the evaluation to be determined by the
50 district;

51 (c) Student growth shall be measured through such assessments
52 in accordance with value-added methods or models developed by the
53 department of elementary and secondary education, and shall reflect
54 at least one year's worth of growth for a school year of instruction, or
55 that students otherwise achieved appropriate growth based on
56 expectations derived from at least two years of individual student
57 achievement data;

58 (d) Student growth may be measured through other rigorous,
59 valid, and reliable assessments approved by the department of
60 elementary and secondary education;

61 (e) Multiple additional measures for teachers shall be correlated
62 with impacts on student achievement results. These measures shall
63 include student surveys and multiple classroom observations each year
64 by trained master teachers, principals, administrators, or other
65 professionals, using clear, consistent observation rubrics provided to
66 the teacher in advance of the school year, and may include other
67 measures aligned with student achievement as determined at the local
68 level;

69 (f) Multiple additional measures for principals shall be
70 correlated with impacts on student achievement results for students in
71 all subgroups and shall include the principal's ability to attract,
72 develop, and retain highly effective teachers; management of the
73 school, including its finances, space, and legal compliance; and parental
74 engagement in the school; and may include other measures aligned with
75 student achievement;

76 (4) Each teacher and principal shall be given one of four rating
77 levels that are designated as "highly effective", "effective", "minimally
78 effective", or "ineffective", as further defined by the department of
79 elementary and secondary education or the local school district;

80 provided, that the effectiveness rating shall be based in significant part
81 on the measures related to student growth;

82 (5) Districts shall base decisions regarding significant
83 differentiation in retention, promotion, dismissals, and other staffing
84 decisions, including transfers, placements, and preferences in the event
85 of a reduction in force, primarily on evaluation results for teachers and
86 principals. Each teacher and principal contract and collective
87 bargaining agreement entered into, including option years exercised,
88 after the effective date of this section shall authorize use of evaluation
89 as the basis for the decisions described in this subsection.

90 4. Consistent with department of elementary and secondary
91 education regulations, each district shall fully implement an evaluation
92 system that conforms to the provisions of this section, including using
93 the evaluation results for personnel decisions in advance of the next
94 school year. Each district, with such assistance as may be available
95 from the department of elementary and secondary education, shall
96 develop an evaluation system that conforms to the provisions of this
97 section and implement it using the same time frame used by the
98 department of elementary and secondary education in conjunction with
99 the department's waiver from the federal Elementary and Secondary
100 Education Act.

101 5. (1) If a permanent teacher has received a rating of ineffective
102 or minimally effective on an annual year-end performance evaluation,
103 the school district shall provide the teacher with an individualized
104 development plan developed by appropriate administrative personnel
105 in consultation with the individual teacher.

106 (2) Any permanent teacher who receives a rating of ineffective
107 or minimally effective on an annual performance evaluation shall be
108 placed on a remediation period following the receipt of the notice of
109 ineffective or minimally effective performance.

110 (3) During the remediation period, the teacher in question shall
111 be provided assistance and in-service training opportunities to help
112 correct any noted performance deficiencies.

113 (4) If the teacher does not receive a rating of effective or higher
114 by the time of the subsequent annual year-end performance evaluation,
115 the teacher's permanent teacher status shall be revoked and the
116 teacher shall be placed on probationary teacher status, receive

117 additional professional development, and shall be eligible for dismissal
118 or demotion.

119 **6. The department of elementary and secondary education shall:**

120 **(1) Promulgate rules and regulations governing the development**
121 **and implementation of local evaluation systems under subsection 3 of**
122 **this section. Such rules and regulations shall be designed to preserve**
123 **autonomy and flexibility for districts to adopt their own policies and**
124 **processes for the evaluation system and may include, but not be limited**
125 **to:**

126 **(a) Processes and requirements to determine the teacher of**
127 **record for purposes of assigning student achievement scores to a**
128 **teacher in evaluating the teacher's performance;**

129 **(b) Standards for rating levels to be assigned to teachers and**
130 **principals, consistent with subsection 3 of this section;**

131 **(c) Processes and requirements for value-added models to be**
132 **used in measuring student achievement growth for purposes of teacher**
133 **and principal evaluation;**

134 **(2) Develop, implement, and publicly disseminate a statewide**
135 **student growth model and a value-added model for determining student**
136 **growth on assessments;**

137 **(3) Provide technical assistance to districts in developing and**
138 **implementing a local evaluation system;**

139 **(4) Develop a model evaluation system that shall be used by**
140 **districts that are not able to develop their own system or that elect to**
141 **use the state model evaluation system;**

142 **(5) Establish and implement a process to approve assessments**
143 **and forms; and**

144 **(6) Monitor local evaluation systems established under**
145 **subsection 3 of this section to ensure that evaluation outcomes are**
146 **consistent in the aggregate with student achievement results at the**
147 **district and school levels; and that the evaluation systems meet the**
148 **requirements of this section and implement rules and regulations**
149 **issued by the department of elementary and secondary education; and**
150 **direct any appropriate corrective actions.**

151 **7. The contract of any probationary teacher who has been rated**
152 **"ineffective", as defined by the required evaluations of this section, for**
153 **two consecutive school years, shall not be renewed.**

154 8. All evaluations shall be maintained in the teacher's personnel file at
155 the office of the board of education. A copy of each evaluation shall be provided
156 to the teacher and appropriate administrator. [The state department of
157 elementary and secondary education shall provide suggested procedures for such
158 an evaluation.]

168.221. 1. The first five years of employment of all teachers entering the
2 employment of the metropolitan school district shall be deemed a period of
3 probation during which period all appointments of teachers shall expire at the
4 end of each school year. During the probationary period any probationary teacher
5 [whose work is unsatisfactory] **who is deemed ineffective or minimally**
6 **effective pursuant to annual evaluations of section 168.128** shall be
7 furnished by the superintendent of schools with a written statement setting forth
8 the nature of his **or her** incompetency. If improvement satisfactory to the
9 superintendent is not made within one semester after the receipt of the
10 statement, the probationary teacher shall be dismissed. The semester granted
11 the probationary teacher in which to improve shall not in any case be a means of
12 prolonging the probationary period beyond five years and six months from the
13 date on which the teacher entered the employ of the board of education. The
14 superintendent of schools on or before the fifteenth day of April in each year shall
15 notify probationary teachers who will not be retained by the school district of the
16 termination of their services. Any probationary teacher who is not so notified
17 shall be deemed to have been appointed for the next school year. **A teacher may**
18 **be considered for a permanent appointment upon the successful**
19 **completion of the probationary period, but in no case shall permanent**
20 **status be automatically granted.** Any principal who prior to becoming a
21 principal had attained permanent employee status as a teacher shall upon
22 ceasing to be a principal have a right to resume his or her permanent teacher
23 position with the time served as a principal being treated as if such time had
24 been served as a teacher for the purpose of calculating seniority and pay
25 scale. The rights and duties and remuneration of a teacher who was formerly a
26 principal shall be the same as any other teacher with the same level of
27 qualifications and time of service. **The criteria for granting a permanent**
28 **appointment to a teacher shall include multiple measures for assessing**
29 **a teacher's effectiveness, which include but are not limited to the**
30 **following:**

31 (1) (a) **Evidence of demonstrated effectiveness, as shown through**

32 **objective measures of student academic growth, which shall be the**
33 **predominant criterion for granting a permanent appointment;**

34 **(b) Other multiple measures of teacher performance, including**
35 **multiple classroom observations and classroom and district measures**
36 **of student learning; and**

37 **(c) Four consecutive ratings of effective or highly effective;**

38 **(2) Upon meeting the requirements provided in subdivision (1)**
39 **of this subsection, a teacher shall undergo a formal review and**
40 **conferral process before being granted a permanent appointment. The**
41 **formal review shall be conducted by the teacher's principal and the**
42 **superintendent's designee and shall include a review of the teacher's**
43 **performance evaluations and progress as an instructor, as**
44 **demonstrated by the criteria outlined in this subsection.**

45 2. After completion of satisfactory probationary services, appointments of
46 teachers shall become permanent, subject to removal for any one or more causes
47 herein described and to the right of the board to terminate the services of all who
48 attain the age of compulsory retirement fixed by the retirement system. In
49 determining the duration of the probationary period of employment in this section
50 specified, the time of service rendered as a substitute teacher shall not be
51 included.

52 3. No teacher whose appointment has become permanent may be removed
53 except for one or more of the following causes: **incompetency, which shall be**
54 **defined to include two consecutive ratings of "ineffective" pursuant to**
55 **the evaluations in section 168.128**, immorality, inefficiency in line of duty,
56 violation of the published regulations of the school district, violation of the laws
57 of Missouri governing the public schools of the state, or physical or mental
58 condition which incapacitates him **or her** for instructing or associating with
59 children, and then only by a vote of not less than a majority of all the members
60 of the board, upon written charges presented by the superintendent of schools, to
61 be heard by the board after thirty days' notice, with copy of the charges served
62 upon the person against whom they are preferred, who shall have the privilege
63 of being present at the hearing, together with counsel, offering evidence and
64 making defense thereto. Notifications received by an employee during a vacation
65 period shall be considered as received on the first day of the school term
66 following. At the request of any person so charged the hearing shall be
67 public. During any time in which powers granted to the district's board of

68 education are vested in a special administrative board, the special administrative
69 board may appoint a hearing officer to conduct the hearing. The hearing officer
70 shall conduct the hearing as a contested case under chapter 536 and shall issue
71 a written recommendation to the board rendering the charges against the
72 teacher. The board shall render a decision on the charges upon the review of the
73 hearing officer's recommendations and the record from the hearing. The action
74 and decision of the board upon the charges shall be final. Pending the hearing
75 of the charges, the person charged may be suspended if the rules of the board so
76 prescribe, but in the event the board does not by a majority vote of all the
77 members remove the teacher upon charges presented by the superintendent, the
78 person shall not suffer any loss of salary by reason of the suspension. Inefficiency
79 in line of duty is cause for dismissal only after the teacher has been notified in
80 writing at least one semester prior to the presentment of charges against him **or**
81 **her** by the superintendent. The notification shall specify the nature of the
82 inefficiency with such particularity as to enable the teacher to be informed of the
83 nature of his **or her** inefficiency.

84 4. No teacher whose appointment has become permanent shall be demoted
85 nor shall his **or her** salary be reduced unless the same procedure is followed as
86 herein stated for the removal of the teacher because of inefficiency in line of duty
87 **or incompetency**, and any teacher whose salary is reduced or who is demoted
88 may waive the presentment of charges against him **or her** by the superintendent
89 and a hearing thereon by the board. The foregoing provision shall apply only to
90 permanent teachers prior to the compulsory retirement age under the retirement
91 system. Nothing herein contained shall in any way restrict or limit the power of
92 the board of education to make reductions in the number of teachers or
93 principals, or both, because of insufficient funds, decrease in pupil enrollment, or
94 abolition of particular subjects or courses of instruction, except that the abolition
95 of particular subjects or courses of instruction shall not cause those teachers who
96 have been teaching the subjects or giving the courses of instruction to be placed
97 on leave of absence as herein provided who are qualified to teach other subjects
98 or courses of instruction, if positions are available for the teachers in the other
99 subjects or courses of instruction.

100 5. **Each metropolitan school district shall establish and**
101 **implement a local evaluation system for teachers and principals that**
102 **conforms to the requirements of section 168.128. If a teacher with a**
103 **permanent appointment has received a rating of ineffective or**

104 **minimally effective on an annual year-end performance evaluation, the**
105 **school district shall provide the teacher with an individualized**
106 **development plan developed by appropriate administrative personnel**
107 **in consultation with the individual teacher.**

108 **(1) The teacher with a permanent appointment who receives a**
109 **rating of ineffective or minimally effective on an annual performance**
110 **evaluation shall be placed on a remediation period following the**
111 **receipt of the notice of ineffective or minimally effective performance.**

112 **(b) During the remediation period, the teacher in question shall**
113 **be provided assistance and in-service training opportunities to help**
114 **correct any noted performance deficiencies.**

115 **(c) If the teacher does not receive a rating of effective or higher**
116 **by the time of the subsequent annual year-end performance evaluation,**
117 **the teacher's permanent appointment shall be revoked and the teacher**
118 **shall be placed on probationary teacher status, receive additional**
119 **professional development, and shall be eligible for dismissal or**
120 **demotion.**

121 **6.** Whenever it is necessary to decrease the number of teachers because
122 of insufficient funds or a substantial decrease of pupil population within the
123 school district, the board of education upon recommendation of the
124 superintendent of schools may cause the necessary number of teachers beginning
125 with those [serving probationary periods to be placed on leave of absence without
126 pay, but only in the inverse order of their appointment] **with the lowest**
127 **annual evaluation results to be placed on leave of absence without**
128 **pay.** Nothing herein stated shall prevent a readjustment by the board of
129 education of existing salary schedules. No teacher placed on a leave of absence
130 shall be precluded from securing other employment during the period of the leave
131 of absence. [Each teacher placed on leave of absence shall be reinstated in
132 inverse order of his placement on leave of absence.] **The superintendent shall**
133 **not use differentiation in seniority, degrees, or credentials as a basis**
134 **for determining which teacher shall be placed on leave of absence.** Such
135 reemployment shall not result in a loss of status or credit for previous years of
136 service. No new appointments shall be made while there are available teachers
137 on leave of absence who are seventy years of age or less and who are adequately
138 qualified to fill the vacancy unless the teachers fail to advise the superintendent
139 of schools within thirty days from the date of notification by the superintendent

140 of schools that positions are available to them that they will return to
141 employment and will assume the duties of the position to which appointed not
142 later than the beginning of the school year next following the date of the notice
143 by the superintendent of schools. **The board of education shall be governed**
144 **by the following provisions when placing teachers on leave and when**
145 **using the educator evaluations of section 168.128 to inform all staffing**
146 **decisions:**

147 (1) It shall base decisions regarding significant differentiation
148 in retention, promotion, dismissals, and other staffing decisions,
149 including transfers, placements, and preferences in the event of
150 reductions in force, primarily on the results of annual performance
151 evaluations for teachers and principals;

152 (2) The board's reduction in force policy shall not
153 use differentiation in compensation levels, seniority, degrees, or
154 credentials as a basis for determining pay or pay increases, or making
155 the retention, promotion, dismissal, and staffing decisions described in
156 this section; provided, that nothing in this subsection shall prohibit a
157 cost of living adjustment tied in whole or in part to prior compensation
158 levels;

159 (3) Notwithstanding any provision of law to the contrary, a
160 district shall not adopt or implement policies that permit length of
161 service to serve as the primary factor when conducting layoffs or a
162 reduction in force. A district instead shall utilize the results of annual
163 evaluations, as prescribed in section 168.128, as the primary factor
164 when conducting a reduction in force;

165 (4) Unless otherwise prohibited by law, these provisions are
166 effective immediately and any contrary provisions of collective
167 bargaining agreements, regulations, or policies are voided;

168 (5) In the case where teachers have equal performance scores as
169 determined by the required evaluations in section 168.128, the board
170 shall consider the following factors when determining which teachers
171 to place on leave or when making staffing decisions:

172 (a) Significant relevant contributions, accomplishments, or
173 performance;

174 (b) Relevant supplemental professional experiences as
175 demonstrated on the job;

176 (c) Length of service.

177 [6.] 7. If any regulation which deals with the promotion of teachers is
178 amended by increasing the qualifications necessary to be met before a teacher is
179 eligible for promotion, the amendment shall fix an effective date which shall allow
180 a reasonable length of time within which teachers may become qualified for
181 promotion under the regulations.

182 [7.] 8. A teacher whose appointment has become permanent may give up
183 the right to a permanent appointment to participate in the teacher choice
184 compensation package under sections 168.745 to 168.750.

185 **9. The contract of any probationary teacher who has been rated**
186 **"ineffective", as defined by the required evaluations of section 168.128,**
187 **for two consecutive school years shall not be renewed.**

168.310. 1. Each local school district shall develop guidelines for
2 professional improvement plans for teachers, principals, and
3 administrators no later than the beginning of the 2014-2015 school
4 year. The guidelines shall be developed to promote the ongoing
5 development of knowledge and skills of teachers and principals. In
6 developing such guidelines, the districts shall involve teachers chosen
7 by the district teaching staff, administrators, and others.

8 2. The purpose of the professional improvement plan shall be to
9 assist teachers in obtaining a satisfactory level of performance on any
10 criterion as identified in subdivision (1) of subsection 3 of this section.

11 3. The process for development and implementation of
12 improvement plans shall include, but not be limited to, the following:

13 (1) Identification of the performance-based teacher evaluation
14 standard that needs improvement. Evaluation guidelines shall include,
15 but not be limited to, the following criteria:

16 (a) Students of the teacher demonstrate appropriate progress
17 that results in increased achievement;

18 (b) The teacher delivers the district curriculum utilizing
19 effective instructional strategies;

20 (c) The teacher creates an effective learning environment that
21 results in student engagement; and

22 (d) The teacher demonstrates reflective and positive
23 collaborative practices;

24 (2) Selection of specific criteria that the teacher needs to
25 improve. These criteria shall be taken from the locally developed
26 performance-based teacher evaluation required under section 168.128;

27 **(3) Clearly defined obtainable goals and objectives, and**
28 **procedures with target dates for achieving the objectives. The**
29 **procedures for obtaining objectives shall include a plan to expand the**
30 **teacher's knowledge base a plan for implementation, and an analysis of**
31 **the plan's impact on the teacher's performance and student success.**

 [160.045. 1. Each public school shall develop standards for
2 teaching no later than June 30, 2010. The standards shall be
3 applicable to all public schools, including public charter schools
4 operated by the board of a school district.

 2. Teaching standards shall include, but not be limited to,
6 the following:

 (1) Students actively participate and are successful in the
8 learning process;

 (2) Various forms of assessment are used to monitor and
10 manage student learning;

 (3) The teacher is prepared and knowledgeable of the
12 content and effectively maintains students' on-task behavior;

 (4) The teacher uses professional communication and
14 interaction with the school community;

 (5) The teacher keeps current on instructional knowledge
16 and seeks and explores changes in teaching behaviors that will
17 improve student performance; and

 (6) The teacher acts as a responsible professional in the
19 overall mission of the school.

 3. The department may provide assistance to public schools
21 in developing these standards upon request.]

 [168.126. 1. A board of education at a regular or special
2 meeting may contract with and employ by a majority vote legally
3 qualified probationary teachers for the school district. The contract
4 shall be made by order of the board; shall specify the number of
5 months school is to be taught and the wages per month to be paid;
6 shall be signed by the probationary teacher and the president of
7 the board, or a facsimile signature of the president may be affixed
8 at his discretion; and the contract shall be attested by the secretary
9 of the board by signature or facsimile. The board shall not employ
10 one of its members as a teacher; nor shall any person be employed

11 as a teacher who is related within the fourth degree to any board
12 member, either by consanguinity or affinity, where the vote of the
13 board member is necessary to the selection of the person.

14 2. If in the opinion of the board of education any
15 probationary teacher has been doing unsatisfactory work, the board
16 of education, through its authorized administrative representative,
17 shall provide the teacher with a written statement definitely
18 setting forth his alleged incompetency and specifying the nature
19 thereof, in order to furnish the teacher an opportunity to correct
20 his fault and overcome his incompetency. If improvement
21 satisfactory to the board of education has not been made within
22 ninety days of the receipt of the notification, the board of education
23 may terminate the employment of the probationary teacher
24 immediately or at the end of the school year. Any motion to
25 terminate the employment of a probationary teacher shall include
26 only one person and must be approved by a majority of the
27 members of the board of education. A tie vote thereon constitutes
28 termination. On or before the fifteenth day of April in each school
29 year, the board of education shall notify in writing a probationary
30 teacher who will not be retained by the school district of the
31 termination of his employment. Upon request, the notice shall
32 contain a concise statement of the reason or reasons the
33 employment of the probationary teacher is being terminated. If the
34 reason for the termination is due to a decrease in pupil enrollment,
35 school district reorganization, or the financial condition of the
36 school district, then the district shall in all cases issue notice to the
37 teacher expressly declaring such as the reason for such
38 termination. Nothing contained in this section shall give rise to a
39 cause of action not currently cognizant at law by a probationary
40 teacher for any reason given in said writing so long as the board
41 issues the letter in good faith without malice, but an action for
42 actual damages may be maintained by any person for the
43 deprivation of a right conferred by this act.

44 3. Any probationary teacher who is not notified of the
45 termination of his employment shall be deemed to have been
46 appointed for the next school year, under the terms of the contract

47 for the preceding year. A probationary teacher who is informed of
48 reemployment by written notice shall be tendered a contract on or
49 before the fifteenth day of May, and shall within fifteen days
50 thereafter present to the employing board of education a written
51 acceptance or rejection of the employment tendered, and failure of
52 such teachers to present the acceptance within such time
53 constitutes a rejection of the board's offer. A contract between a
54 probationary teacher and a board of education may be terminated
55 or modified at any time by the mutual consent of the parties
56 thereto.]

[168.410. School administrators and school district
2 superintendents shall be evaluated in the following manner:

3 (1) The board of education of each school district shall cause
4 a comprehensive performance-based evaluation for each
5 administrator employed by the district. Such evaluation shall be
6 ongoing and of sufficient specificity and frequency to provide for
7 demonstrated standards of competency and academic ability;

8 (2) All evaluations shall be maintained in the respective
9 administrator's personnel file at the office of the board of education
10 of the school district. A copy of each evaluation shall be provided
11 to the person being evaluated and to the appropriate administrator;

12 (3) The state department of elementary and secondary
13 education shall provide suggested procedures for the evaluations
14 performed under this section.]

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